

**Office of Financial Institutions
ATTENDANCE AND LEAVE POLICY**

TO WHOM THIS POLICY APPLIES:

All OFI personnel.

I. PURPOSE

To establish uniform guidelines for hours of work, leave request/approval procedures, and attendance and leave recording methods for OFI employees. Compensatory time and absences covered under the Family and Medical Leave Act are addressed in separate policies.

II. POLICY

OFI will comply with applicable state and federal laws and Civil Service Rules governing employee attendance and leave.

Hours of Work/Scheduled Hours

1. The official administrative workweek of all full-time employees of the Office of Financial Institutions is established at 40 hours, Monday through Friday. Core office hours are 8:00 a.m. until 4:30 p.m.
2. Employees will be considered to be working flex-time when their work hours are other than the core hours of 8:00 a.m. until 4:30 p.m. The flexible hours band extends from 7:00 a.m. to 9:00 a.m. (begin time) and 3:30 p.m. to 6:00 p.m. (end time). Schedules may not begin prior to 7:00 a.m. or end after 6:00 p.m.
3. Scheduled work hours may not exceed 10 hours per day or 40 hours per week. Within the five day workweek there may be a maximum of two schedules; e.g., M-TH 7:45-5:15, F 7:45-11:45 or MWF 7:30-4:00, T-TH 8:00-4:30. An employee's five-day work schedule must be consistent (i.e., the same each week).
4. Flex schedules must be requested in writing and approved in advance by the supervisor and section head. Timekeeper will distribute request forms every three months. All employees will be required to complete a new schedule form when requested to do so by the timekeeper. Employees will be "locked-in" to their approved three-month schedule.
5. Section heads or their designee has the authority to modify or determine an employee's schedule, including the lunch period, at any time.

Reissued with new commissioner signature 6/21/2004

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Revised from L-02-03 issued 7/1/02, [Rescinds Policy No. OFI-03-94 (Flex Hrs.); OFI-03-91(LWOP); OFI-01-96 (Lv. Prior to Ret); OFI-07-95 (Work Status-CPA Exam)]

6. Once a schedule is approved, the employee shall continue this schedule through the entire three months. In the event of special circumstances, an employee may request a schedule change for a particular day; however, prior supervisory approval **MUST** be received before the change takes place. This approval may be in writing or via e-mail, and the timekeeper must be provided with a copy of the approved schedule change.
7. Not all employees will be able to have Friday or Monday as their day off in their flex schedule. Supervisors must evaluate the impact of requested schedules on the section and make the final determination based on seniority and/or staffing needs. Each section within the Main Office must have adequate staffing between the hours of 8:00 a.m. and 4:30 p.m. Adequate supervision should be provided in each section.
8. All members of the examination team must have the same schedule; the DOM is responsible for making the final decision for each job.
9. On stay-out jobs, only the hours actually spent traveling to and from the district office or hotel to the exam location and the hours spent on-site conducting the exam will be allowed as scheduled hours

Holiday Schedules/Special Assignments

During the weeks in which a **state holiday** occurs, all employee schedules will revert to five 8-hour days. This will ensure that all employees work (or take leave for) the same number of hours during holiday weeks. Additionally, if employees are unable to work their regular flex schedule due to **special assignments** (seminars, out-of-town travel, etc.), their schedule for that week will revert to their established holiday schedule. Employees should notify the timekeeper when this occurs.

Lunch Breaks

Lunch breaks must be taken between the hours of 11:00 a.m. and 2:00 p.m., except when a meeting makes that impossible. Lunch times can be set for a minimum of 30 to a maximum of 90 minutes (in 15-minute increments). The lunch period includes any time required to pick up or prepare food, as well as the time spent eating. Employees are allowed to eat breakfast and/or lunch at their desks outside their regular work hours or during their lunch break.

Minimum Charge to Leave

Annual and sick leave will be charged in one-quarter hour (15-minute) increments. If an employee's total absence for AL or SL equals 15 minutes or more, leave will be charged. Compensatory leave will be earned and charged in 15-minute increments. FLSA exempt employees must work at least 30 minutes over their daily scheduled hours to claim compensatory time; subsequent compensatory time may be earned in 15-minute increments. (See Overtime Compensation Policy for additional details).

Tardiness

Employees must notify their supervisor when they are tardy (late in the morning; late returning from lunch). Supervisors are authorized to excuse occasional tardiness for absences of less than 15 minutes; however, supervisors are expected to control frequent tardiness through counseling and other methods. Employees should have no expectation that tardiness will be tolerated. Supervisors may require an employee to make up tardiness by working an equal amount of time beyond the scheduled work hours (up to 30 minutes), or may change an employee's regular daily work schedule to correct tardiness. Supervisors may also obtain the appointing authority's approval to charge LWOP in increments of 6 minutes (tenths of an hour) for unexcused tardiness. This should be done when an employee establishes a pattern of tardiness.

Making Up Time for Same-Day Absence

In addition to supervisors' authority to allow employees to make up time for tardiness, supervisors may allow employees to make up time not to exceed 30 minutes for personal errands. Time may only be made up at the end of the **same workday**. Employees cannot make up time during set lunch periods nor can lunch periods be extended by incorporating break times (per Civil Service). Employees cannot change their work hours daily simply by coming in early so they can leave early or take a long lunch hour.

Recording and Certifying Time

1. Requests for leave will be submitted on Standard Form 6 (SF-6) by the employee in advance when possible and approved or disapproved by the supervisor.
2. Hours of attendance and leave will be entered on the Fixed Time Entry Sign-In Sheet by the district supervisor or timekeeper. Employees are responsible for certifying their hours of work and leave as recorded on the sign-in sheet and promptly notifying the timekeeper of any inaccuracies.
3. Compensatory time earned will be requested by the employee, authorized by the supervisor, and approved by the Appointing Authority, using the OFI Compensatory Time Report Form.

Requests for Leave

All leave should be requested in advance, except in emergency situations. In cases of emergency, employees should notify their supervisor as soon as possible and generally not later than 15 minutes after the employee's scheduled start time. If the employee's supervisor is not available, he/she should go up the chain of command to request leave.

Annual Leave

Supervisors are authorized to approve or disapprove requests for annual leave for their employees for increments of 80 hours or less. Requests for absences exceeding 80 hours require approval by the Commissioner or Administrative Director. When considering requests for annual leave, supervisors should consider factors including, but not limited to: the impact on the workload; the amount of leave taken and requested by the

employee; and the employee's leave balance. Requests for extended annual leave prior to retirement will be considered on a case-by-case basis by the Commissioner.

Sick Leave

A **medical certificate is required for periods of continuous sick leave of 5 days or more**. Supervisors may require medical certificates for any sick leave request when there is a reason to question the validity of the request, e.g., excessive sick leave requests, or a pattern of sick leave requests.

Maternity Leave

Maternity leave requests must be supported by a medical statement from the attending physician specifying the date the employee shall cease work, the anticipated date of delivery, and the date the employee will be able to return to work. Sick leave may be taken during maternity at times that the employee is unable to work due to the medical condition. Doctor appointments and checkups before and after the birth as well as times of medical disability are appropriate as sick leave. Six weeks of sick leave may be taken following the birth of the child. Additional sick leave may be taken if supported by the medical statement from the physician. The supervisor and the appointing authority may grant annual leave or leave without pay to extend the period of time off because of maternity. Total leave taken for maternity purposes should not exceed three months (12 weeks) for normal pregnancies. (Note: The birth of a child is a qualifying medical condition under the Family and Medical Leave Act. Refer to OFI's Family and Medical Leave Policy to determine eligibility for FMLA and additional information).

Leave Without Pay and Minimum Leave Balances

The Commissioner or the Administrative Director will review all requests for leave without pay. The reason for the leave, the employee's leave history, and the supervisor's recommendation will be considered. LWOP must be requested in advance when possible. Employees are encouraged to maintain a sufficient balance of annual and sick leave to cover emergency situations. A minimum balance of 24 hours is recommended. When total annual leave falls below 24 hours, there is a strong possibility that supervisors will deny requests for annual leave unless an emergency exists.

Absence to Take Civil Service Exams

Employees may be granted special leave to participate in a Civil Service examination. The SF-6 should be completed for special leave, and upon return to work the employee must furnish documentation from the Civil Service test monitor of the time the employee participated in the examination. Supervisors may require that employees schedule such examinations to accommodate the workload of the section (employees may not be able to choose the date and time that they wish to participate in the examination).

Absence for Jury Duty

Absence for jury duty is allowed as special leave under the Civil Service Rules. Employees must attach a copy of the summons to the SF-6 request for special leave and should obtain documentation from the court, when possible, of time spent on jury duty.

When jury duty is for less than a full day, reasonable travel time is allowed, up to the amount it would take an employee to get to and from work to jury duty.

Absence to Take CPA Exam

Employees occupying positions for which it is advantageous to have the CPA designation may be allowed to remain in regular work status (no leave charged) to take the Certified Public Accountant Examination. The maximum amount of work hours granted for taking the test will be 16 hours. If the test must be taken a second time, up to an additional 16 hours may be allowed. If an employee does not pass the examination the second time, no additional work hours will be allowed; the employee may request annual leave to take the test additional times. The employee's request to take the exam during regular work hours, without charge to leave, must be made in writing to his/her supervisor and approved through the Commissioner. A leave slip is not applicable if the employee is not requesting to use annual or compensatory leave. If the employee requests annual or compensatory leave for taking the exam a third time or more, the employee's supervisor may approve the leave. Compensatory time will not be allowed for hours spent taking the exam outside regular work hours.

Funeral Leave

Civil Service Rule 11.23.1 states: "Probationary and permanent employees may be granted time off without loss of pay, annual leave, or sick leave when attending the burial rites of a parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grand-parent, or grand-child; provided such time off shall not exceed two days on any one occasion." Documentation of the death must be attached to the SF-6 leave slip (a copy of the obituary will suffice).

III. SUMMARY AND PENALTIES FOR ABUSE OF PRIVILEGES:

- The intention of this policy is to provide a reasonable program that allows flexibility while ensuring the proper utilization of our resources and maximum services to our institutions and licensees.
- To assure that the flex-time program works, employees must adhere to the hours they have chosen. They must exercise responsibility for their work productivity, especially during hours that supervision may be lacking.
- Employees found not properly maintaining their chosen hours will be suspended from the program and instructed to change their work hours to the core hours of 8:00 a.m. until 4:30 p.m. If an employee establishes a pattern of consistent tardiness which cannot be resolved by a change of work hours or other method as provided for in this policy, he/she may be charged leave without pay.

- Falsification of hours worked is considered payroll fraud and may result in disciplinary action, up to and including termination.

Any deviation from the above policy requires appointing authority approval.

APPROVED BY:



John Ducrest, CPA
Commissioner

June 21, 2004

Date

Reissued with new commissioner signature 6/21/2004

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